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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,339	07/10/2000	Nobuyoshi Morimoto	5596-00300	9759

7590 07/07/2003

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EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/613,339

Applicant(s)  
Nobuyoshi, Morimoto

Examiner  
Pierre E. Elisca

Art Unit  
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04/28/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

Art Unit: 3621

**DETAILED ACTION**

**RESPONSE TO AMENDMENT**

1. This Office action is in response to Applicant's amendment filed on 04/28/2003.
2. Claims 1-44 are presented for examination.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-44 are rejected under 35 U.S.C. 102 (e) as being anticipated by Andrews (U.S. Pat. No. 6,285,986).

Art Unit: 3621

As per claims 1, 9-13, 29, 30, 35 and 37-44 Andrews discloses a method of interactive, automated registration, negotiation and marketing for combining products and services from one or more vendors together to be sold as a unit allows vendors of products and services to post information about their (which is seen to read as Applicant's claimed invention wherein it is stated that a method for negotiating improved terms for a product or service), comprising:

detecting an issuance of a commitment to purchase with associated terms for said product or service being purchased by a purchaser using an Internet web site (see., abstract, col 1, lines 65-67, col 2, lines 1-14);

in response to said detecting, making an offer to said purchaser to accept or reject a contract for negotiating said improved terms within a specified time (see., abstract, col 8, lines 45-67, col 2, lines 37-48);

if said purchaser accepts said offer:

conducting a search for said improved terms within said specified time; receiving said improved terms within said specified time; and executing said contract (see., abstract, col 8, lines 45-67, col 2, lines 37-48).

As per claims 2, 8, 31 and 36 Andrews discloses the claimed method wherein said detecting comprises detecting said purchaser entering a credit card number or a pre-paid account number or a gift certificate number (see., col 2, lines 37-48, please note that Andrews discloses a method of

**Art Unit: 3621**

payment and shipping information, it is inherent to realize that the form of payment information can also include payment by credit card or gift certificate or account number).

**As per claims 3-7, 32, 33 and 34, Andrews** discloses the claimed method wherein said detecting said purchaser viewing a particular web page (see., col 1, lines 65-67, col 2, lines 1-14).

**As per claims 14, 20 and 22-28 Andrews** discloses a system of interactive, automated registration, negotiation and marketing for combining products and services from one or more vendors together to be sold as a unit allows vendors of products and services to post information about their (which is seen to read as Applicant's claimed invention wherein it is stated that a method for negotiating improved terms for a product or service), comprising:

detecting an issuance of a commitment to purchase with associated terms for said product or service being purchased by a purchaser using an Internet web site (see., abstract, col 1, lines 65-67, col 2, lines 1-14);

in response to receiving said notification, making an offer to said purchaser to accept or reject a contract for negotiating said improved terms within a specified time (see., abstract, col 8, lines 45-67, col 2, lines 37-48);

if said purchaser accepts said offer:

**Art Unit: 3621**

conduct a search for said improved terms within said specified time; receive said improved terms within said specified time; and execute said contract (see., abstract, col 8, lines 45-67, col 2, lines 37-48).

**As per claims 15 and 21 Andrews** discloses the claimed limitations wherein said detecting comprises detecting said purchaser entering a credit card number or a pre-paid account number or a gift certificate number (see., col 2, lines 37-48, please note that Andrews discloses a method of payment and shipping information, it is inherent to realize that the form of payment information can also include payment by credit card or gift certificate or account number).

**As per claims 16-19 Andrews** discloses the claimed limitations wherein said detecting said purchaser viewing a particular web page (see., col 1, lines 65-67, col 2, lines 1-14).

### **REMARKS**

5. In response to Applicant's arguments, Applicant argues that the prior art of record taken alone or in combination does not teach or suggest:

a. " detecting an issuance of a commitment to purchase with associated terms of said product or service being purchased by a purchaser using an Internet web site". As indicated above, Andrews discloses in the abstract, col 1, lines 65-67, col 2, lines 1-14 that bundle vendors generates bundles of products/services (services or terms or commitment). If a user decides to purchase a product from

**Art Unit: 3621**

a site, the user selects the hyperlink corresponding to the product and service or term or commitment. Applicant should duly note that this process is equivalent to a commitment for purchasing a product.

b. “ in response to detecting, making an offer to said purchaser to accept or reject a contract for negotiating terms”. However, the Examiner respectfully disagrees since this limitation is disclosed by Andrews in col 8, lines 45-67, col 2, lines 37-48, specifically wherein it is stated that if it is determined at the step 128, that the vendor entering the information about this product/service into the product entry system is willing to negotiate terms when this product is included within a bundle.

***Conclusion***

6. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

**(703) 305-7687**

**Application/Control Number: 09/613,339**

**Page 7**

**Art Unit: 3621**

  
Pierre Eddy Elisca

Patent Examiner

July 02, 2003